UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/683,611	01/24/2002	Paul Lawrence Mullen	15-SV-6119	9353

			EXAMINER
44702	7590	08/25/2005	NGUYEN, QUANG N

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ART UNIT	PAPER NUMBER
2141	

DATE MAILED: 08/25/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 10/03)

	Application No.	**Applicant(s)**
Office Action Summary	09/683,611	MULLEN ET AL.
	Examiner	**Art Unit**	
	Quang N Nguyen	2141	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>10 August 2005</u>.

2a)☒ This action is **FINAL.**   2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-3,5-7,9-20 and 24</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☒ Claim(s) <u>1-3,5-7 and 9-14</u> is/are allowed.

6)☒ Claim(s) <u>15-20 and 24</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 January 2002</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☐ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.

5)☐ Notice of Informal Patent Application (PTO-152)

6)☐ Other: _____.

Detailed Action

1.   This Office Action is in response to the Amendment filed on 08/10/2005. Claims

1, 9, 15, 18 and 24 have been amended. Claims 4, 8 and 21-23 have been cancelled.

Claims 1-3, 5-7, 9-20 and 24 remain for examination.

Claim Rejections - 35 USC § 102

2.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3.   **Claims 15-20 and 24 are rejected under 35 U.S.C. 102(e) as being**

anticipated by Babula et al. (US 2002/0004798 A1), herein after referred as Babula.

4.   As to claim 15, Babula teaches a method of remotely servicing any one of a

multiplicity of scanners connected to a local area network from a central service facility,

comprising the steps of:

specifying one of said scanners connected to said local area network *(specifying one of the diagnostic systems 14 and 16 in a single location such as a medical facility 20 as illustrated in Fig. 1, i.e., connected to a local area network, by the unique system identification data included in the uniform platform)* (Babula, Fig. 1 and paragraphs [0031 and 0060]);

capturing a DICOM object from traffic on said local area network, said DICOM object comprising data reflecting origination from said specified scanner, data reflecting destination to a receiving device connected to said local area network, and data for at least one image frame acquired by said specified scanner *(data exchanged between the diagnostic systems, in DICOM format, from traffic on said local area network of the medical facility 20 maybe identified, captured, stored and transmitted to the service facility 22 by the management station 70)* (Babula, Fig. 1 and paragraphs [0036-0037 and 0059]);

sending said captured DICOM object to a central service facility via a network other than said local area network *(the service request page, image data files, log files, error files, and so forth, maybe identified, captured, stored and transmitted to the service facility 22 by the management station 70, via a remote access network 80 including virtual private networks VPN's, for evaluation of potential problems in diagnostic system)* (Babula, Fig. 1 and paragraphs [0036-0037] and [0059]); and

diagnosing a problem associated with said specified scanner using said captured DICOM object received at said central service facility *(within service facility 22, a bank of operator workstations 86 staffed by service engineers who address the service*

requests and provide off and on-line service to the diagnostic systems in response to

the service requests) (Babula, paragraphs [0038]), wherein said capturing and sending

steps are performed by a computerized device connected to said local area network

and having an address different than the address of said receiving device *(wherein said*

capturing and sending steps are performed by the management station 70 having an

address different than the address of diagnostic systems 14 and 16) (Babula,

paragraphs [0036-0037]).

5.   As to claim 16, Babula teaches the method of claim 15, wherein said captured

DICOM object is sent from said computerized device to said central service facility via a

virtual private network *(the service request page, image data files, log files, error files,*

and so forth, in DICOM format, maybe identified, captured, stored and transmitted to the

service facility 22 by the management station 70, via a remote access network 80

including virtual private networks VPN's, for evaluation of potential problems in

diagnostic system) (Babula, Fig. 1 and paragraphs [0036-0037] and [0059])

6.   As to claim 17, Babula teaches the method of claim 15, wherein said scanner is

specified in a communication sent from said central service facility to said computerized

device *(specifying one of the diagnostic systems 14 and 16 by a series of identification*

area 208 allow the user insert text to identify both the user and the user's location,

wherein the server included in the uniform platform already includes the unique system

identification data supplementing input by the user) (Babula, paragraph [0060]);

7.   As to claim 18, Babula teaches a system comprising a network *(a local area network in the medical facility 20)*, a communications channel, a data capture device *(a management station 70)* connected to said network and to said communications channel, and a multiplicity of scanners *(diagnostic systems 14 and 16 of the facility 20)*, each scanner being programmed to construct image files in accordance with a communications protocol, said scanners being connected to said network, wherein said data capture device comprises a computer programmed to perform the following steps:

capturing, from traffic on said local area network, image files originating from one of said scanners in response to receipt via said communications channel of a communication specifying said source, while not capturing any image files originating from other scanners not specified *(data exchanged between the diagnostic systems, in DICOM format, from traffic on said local area network of the medical facility 20 maybe identified, captured, stored and transmitted to the service facility 22 by the management station 70, inherently, data originating from other scanners not specified would not be identified and captured according to the service requests)* (Babula, Fig. 1 and paragraphs [0036-0037 and 0059]);

sending said captured image file to a destination via said communications channel *(the service request page, image data files, log files, error files, and so forth, maybe identified, captured, stored and transmitted to the service facility 22 by the management station 70, via a remote access network 80 including virtual private networks VPN's, for evaluation of potential problems in diagnostic system)* (Babula, Fig.

1 and paragraphs [0036-0037] and [0059]), wherein said destination is different than the destination identified by a destination address that is part of the captured image *(wherein said capturing and sending steps are performed by the management station 70 having an address different than the address of diagnostic systems 14 and 16)* (Babula, paragraphs [0036-0037]).

8.   As to claim 19, Babula teaches the method of claim 18, wherein said network is a local area network *(the network of the medical facility 20 in Fig. 1 is a local area network)* and said communications channel forms part of a virtual private network *(other network or communication schemes maybe provided for enabling the service facility 22 to communicate and exchange data and messages with diagnostic systems 14, 16 and management station 70 including virtual private network VPN's and so forth)* (Babula, Fig. 1 and paragraph [0048]).

9.   As to claim 20, Babula teaches the method of claim 18, wherein said communications protocol is DICOM *(adapter 116 may convert the data to and from desired protocols such as between HTTP and DICOM and certain of the data maybe specific to the modality of the system such as data in a DICOM format)* (Babula, paragraphs [0044] and [0068]).

10.   Claim 24 is a corresponding method claim of system claim 18; therefore, it is rejected under the same rationale.

Allowable Subject Matter

11.   Claims 1-3, 5-7 and 9-14 are allowed.

Response to Arguments

12.   In the remarks, Applicant argued in substance that

(A)   Prior Art does not disclose or suggest "monitoring traffic on a local area network".

As to point (A), as illustrated in Fig. 1, **Babula** teaches the management station 70 and the medical diagnostic systems 14 and 16 may be positioned in a single location or facility such as a medical facility 20, inherently, they are connected to each other via a local area network.   **Babula** also teaches where more than one medical diagnostic system is provided in a single facility or location, as indicated in the case of MRI and CT systems 14 and 16 in Fig. 1, these may be coupled to the management station 70 which typically includes a monitor 74 for viewing system operational parameters, analyzing system utilization, and exchanging service requests and data between the facility 20 and the remote service facility 22 *(i.e., monitoring traffic on a local area network)* **(Babula, Fig. 1 and paragraphs [0031 and 0036]).**

(B)   Prior Art does not disclose or suggest "capturing from said local area network traffic data originated from said specified scanner".

As to point (B), **Babula** teaches data exchanged between the diagnostic systems 14 and 16 from traffic on said local area network of the medical facility 20 maybe identified *(based on the unique system identification data entered by the user into the series of identification areas 208 or alternately automatically supplied by the system from the server included in the uniform platform which supplements the information input by the user)*, captured, stored and transmitted to the service facility 22 by the management station 70, inherently, data originating from other scanners not specified would not be identified and captured according to the service requests *(i.e., capturing from said local area network traffic originated from said identified/specified scanner)* **(Babula, Fig. 1 and paragraphs [0036-0037 and 0060]).**

13.   Applicant's arguments as well as request for reconsideration filed on 07/28/2005 have been fully considered but they are not deemed to be persuasive.

14.   **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

15.   A shortened statutory period for reply to this action is set to expire THREE (3) months from the mailing date of this communication. See 37 CFR 1.134.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Quang N. Nguyen whose telephone number is (571) 272-3886.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's SPE, Rupal Dharia, can be reached at (571) 272-3880. The fax phone number for the organization is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

RUPAL DHARIA
SUPERVISORY PATENT EXAMINER